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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 5th July 2014

No. 5319—SS-I-FE-23/2013-LESI.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Odisha Employees State Insurance Medical Service (Recruitment) Rules, 1970 issued in notification of the Government of Odisha in Labour & Employment Department No. 15639, dated the 21st November 1972 except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules regulating the method of recruitment and conditions of service of the persons appointed to the Odisha Employees' State Insurance Medical Services, namely :—

## PART - I

### GENERAL

#### 1. Short title and commencement :

- (1) These rules may be called the Odisha Employees' State Insurance Medical Service (Method of Recruitment and Conditions of Service) Rules, 2014.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.

#### 2. Definitions :

- (1) In these rules unless the context otherwise requires;—
  - (a) "Commission" means the Odisha Public Service Commission;
  - (b) "Committee" means the Departmental Promotion Committee constituted under sub-rules (1) and (2) of Rule 9 as the case may be;
  - (c) "Government" means the Government of Odisha;
  - (d) "Service" means the Odisha Employees' State Insurance Medical Service;
  - (e) "Schedule Castes" and "Scheduled Tribes" means such Castes and Tribes as notified by the President of India, from time to time under Articles 341 and 342 of the Constitution of India, respectively;

- (f) "Persons with disabilities" means persons who are eligible to be granted with Disability Certificate by competent authority as per the provisions under Rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Odisha Rules, 2003 ;
  - (g) "SEBC" means the Socially and Educationally Backward Classes of citizens as referred to in Clause (e) of Section 2 of the Odisha Reservation of Posts and Services (for Socially and Educationally Backward Classes) Act, 2008;
  - (h) "Sports Person" means a person who would be issued with Identity Card as sports person by the Director, Sports as per Resolution No. 24808-Gen., dated the 18th November 1985 of General Administration Department ;
  - (i) "Year" means a calendar year;
  - (j) "Ex-serviceman" means a person as defined under Odisha Ex-servicemen (Recruitment and State Civil Services and Posts) Rule, 1985 ; and
  - (k) "Council" means the Medical Council of India .
- (2) All other words and expressions used, but not specifically defined in these rules shall, unless the context otherwise requires, have the same meaning as respectively assigned to them in the Odisha Service Code.

### **3. Composition of the Service :**

- (1) The Service shall consist of the following grades, namely :—
  - (i) Group - A (Junior Branch) ;
  - (ii) Group - A (Senior Branch) ;
  - (iii) Junior Administrative Grade (Joint Director, Level - II) ;
  - (iv) Junior Administrative Grade (Joint Director, Level - I) ;
  - (v) Selection Grade (Additional Director) ; and
  - (vi) Senior Administrative Grade (Director).
- (2) The Group - A (Junior Branch) shall comprise of the Insurance Medical Officer and Specialists in the cadre of Junior Branch in different disciplines or such other posts as may be decided by the Government from time to time.
- (3) The Group - A (Senior Branch) shall comprise of the posts of Deputy Director (I.M.Os.) and Specialists in the cadre of Senior Branch in different disciplines or such other posts as may be decided by the Government from time to time.
- (4) The Junior Administrative Grade shall comprise of the following posts, namely :—
  - (i) Joint Director, Level - II ;
  - (ii) Deputy Superintendent ;
  - (iii) Insurance Medical Officers in E.S.I. Dispensaries having more than 5000 I. P. Strength ; and
  - (iv) Such other posts as may be decided by the Government from time to time.

(5) The Junior Administrative Grade (Joint Director, Level-I) shall comprise of the following posts, namely :—

- (i) Joint Director, Level - I ;
- (ii) Chief Zonal Medical Officer-*cum*-Superintendent ; and
- (iii) Such other posts as may be decided by the Government from time to time.

(6) The Selection Grade shall comprise of the posts of Additional Directors or such other posts as may be decided by the Government from time to time.

(7) The Senior Administrative Grade shall comprise of the post of Director or such other posts as may be decided by the Government from time to time.

## **PART - II**

### **METHODS OF RECRUITMENT**

**4. Methods of recruitment** — Subject to the provisions made in these rules, selection to the posts in different grades of the service shall be made in the following manner, namely :—

- (a) Selection to the posts in Group - A (Junior Branch) shall be made by way of direct recruitment in the manner provided under Rule 6 ;
- (b) Selection to the posts in Group - A (Senior Branch) shall be made by way of promotion from among the persons holding the posts in Group - A (Junior Branch) ;
- (c) Selection to the posts in Junior Administrative (Joint Director, Level - II) Grade shall be made by way of promotion from among the persons holding the posts in Group - A (Senior Branch) ;
- (d) Selection to the posts in Junior Administrative (Joint Director, Level - I) Grade shall be made by way of promotion from among the persons holding the posts in Junior Administrative (Joint Director, Level - II) Grade ;
- (e) Selection to the posts in Selection Grade shall be made by way of promotion from among the persons holding the posts in Junior Administrative (Joint Director, Level - I) Grade ; and
- (f) Selection to the posts in Senior Administrative Grade shall be made by way of promotion from among the persons holding the posts in Selection Grade.

**5. Reservation** — Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for candidates belonging to (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder ; subject to the condition that the candidates of such categories satisfy the minimum standard of suitability as may be fixed by the Commission for them for appointment to the posts. (b) SEBC, Women, Sports Person, Ex-Servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders or instructions issued in this behalf by the Government from time to time.

**PART - III****DIRECT RECRUITMENT****6. Procedure for Direct Recruitment :**

- (1) Ordinarily in the month of January of the year, the Government, shall intimate to the Commission, the total number of vacancies in the posts in Group - A (Junior Branch) of the service, specified in sub-rule (2) of Rule 3, existing and anticipated vacancies likely to occur in that year, indicating therein the number of posts required to be filled-up by way of reservations of posts for persons, belonging to different reserved categories.
- (2) On receipt of the intimation, the Commission shall publish advertisement at least in two vernacular daily newspapers having wide circulation in Odisha, inviting applications from candidates eligible for selection.
- (3) The application forms, the manner of submission of applications, the documents required to be accompanied with the application form, fee required and scrutiny of applications and such other related matters shall be such, as may be decided by the Commission.
- (4) The suitability of candidates shall be adjudged on the basis of career marking and written test in the following manner, namely :—
  - (a) Weightage of 30% shall be given to career marking and 70% to written test.
  - (b) Career marking shall be—
    - (i) 10% of the marks secured in 10th class examination
    - (ii) 10% of the marks secured in 12th class examination
    - (iii) 10% of the marks secured in MBBS examination
  - (c) The written test shall be on the following disciplines carrying 200 marks in total as mentioned in the Schedule below :—

**SCHEDULE**

Sl. No.	Disciplines	Marks allocated
(1)	(2)	(3)
1	Anatomy	05
2	Physiology	05
3	Biochemistry	10
4	Pharmacology	10
5	Pathology	10
6	Microbiology	10
7	FMT	10
8	Community Medicine	10
9	Skin & VD	05
10	Radio Diagnosis	05

(1)	(2)		(3)
11	Dental	..	05
12	Medicine	..	25
13	Pediatrics	..	10
14	Surgery	..	20
15	Orthopedics	..	10
16	ENT	..	05
17	Ophthalmology	..	15
18	O & G	..	20
19	Anesthesiology	..	05
20	Psychiatry	..	05
Total		..	<u>200</u>

- (d) Total questions in written test is 200 which shall be multiple choice questions (MCQ) pattern.
- (e) No negative marking shall be made for wrong answers
- (f) The qualifying marks shall be —50% for UR and SEBC, 45% for PWD and 40% for S.C. and S.T. in aggregate taking together both career and written test mark.
- (g) The duration of examination shall be 3 hours.
- (h) The syllabus shall be as per the Medical Council of India Syllabus for MBBS Course.

#### **Preparation of Merit List**

- (5) The Commission shall prepare a list of candidates in order of merit on the basis of career marking and written test which shall be equal to the number of advertised vacancies :

Provided that, if two or more candidates secure equal marks then the candidate securing higher marks in MBBS examination shall find place above the others in the Merit List. In case marks obtained in MBBS examination is also the same, the candidate older in age shall be placed above the younger.

- (6) The list recommended by the Commission shall remain valid for one year from the date of its approval by the Government or till the next recruitment is made and furnished by the Commission whichever is earlier.

**7. Eligibility Criteria for Direct Recruitment** — In order to be eligible for the direct recruitment, a candidate must—

- (a) be a citizen of India ;
- (b) have attained the age of 21 years and must not be above 32 years on the first day of January of the year on which applications are invited by the Commission :

Provided that, the upper age limit in respect of reserved categories of candidates referred to in Rule 5 shall be relaxed in accordance with the provisions of the Act, Rules, Orders or instructions for the time being in force, for their respective categories ;

- (c) be able to read, write and speak Odia ; and
- (d) have passed Middle School Examination with Odia as a language subject ; or
- (e) have passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject ; or
- (f) have passed in Odia as language subject in the final examination of Class - VII from a School or educational institution recognized by the Government of Odisha or the Central Government ; or
- (g) have passed a test in Odia in Middle English School Standard conducted by the Board of Secondary Education, Odisha ;
- (h) have possessed an MBBS or equivalent Degree from a Medical College or Medical Institution recognized by the Medical Council of India ; and
- (i) have a Registration Certificate under the Odisha Medical Regulation Rules, 1965.
- (j) have possessed required Conversion Certificates recognized by Medical Council of India (MCI) in case of candidate having degrees from Universities of Foreign Countries.
- (k) not have more than one spouse living :

Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such candidate or there are other grounds for doing so, exempt such candidate from the operation of this rule.

- (l) be of good mental condition and bodily health and free from any physical defect likely to interfere with the discharge of the duties in the service and who does not satisfy these requirements after such medical examination as the Government may prescribe, shall not be appointed to the service.

#### **PART - IV**

#### **PROMOTION**

#### **8. Eligibility Criteria for Promotion :**

- (1) Appointment to the Senior Administrative shall be made by way of promotion from the Officer in the rank of Selection Grade who have rendered at least one year of continuous service in that grade or a total period of two years as Joint Director, Level - I and Additional Director taken together.
- (2) Appointment to the Selection Grade shall be made by way of promotion, from among the Officers in the rank of Junior Administrative Grade (Joint Director, Level - I), who have rendered at least two years of continuous service in that grade.

- (3) Appointment to the (Administrative Grade, Level - I) shall be made by way of promotion from among the Officers in the rank of Junior Administrative Grade (Director, Level - II), who have rendered at least three years of continuous service in that grade, on the basis of merit and suitability with due regard to seniority.
- (4) Appointment to the post of Junior Administrative Grade (Joint Director, Level - II) shall be made by way of promotion from Group-A (Senior Branch) who have rendered a minimum of four years of continuous service as such.
- (5) Appointment to the post of Group-A (SB), Grade shall be made by way of promotion from amongst the Group-A (JB) Grade who have rendered at least six years of continuous service in that grade as such.

#### **9. Constitution of Committees :**

- (1) There shall be constituted a Committee to consider the suitability of eligible candidate for promotion to the post of Director specified under sub-rule (VI) of Rule 3(1) —
  - (i) Chief Secretary to Government of Odisha . . . Chairman
  - (ii) Secretary to Government, Labour & E.S.I. Department . . . Member
  - (iii) Secretary to Government, Health & Family Welfare Department . . . Member
  - (iv) Additional Secretary or Joint Secretary or Deputy Secretary . . . Member-Convenor to L. & E.S.I. Department (in charge of respective establishment).
- (2) There shall be a Committee to consider promotion to all other Grades except to the post of Director specified under sub-rules (ii) to (v) of Rule 3(1) —
  - (i) Chief Secretary or Additional Chief Secretary . . . Chairman to Government of Odisha.
  - (ii) Secretary to Government, Labour & E.S.I. Department . . . Member
  - (iii) Secretary to Government, Health & Family Welfare Department . . . Member
  - (iv) Director, Employees' State Insurance Scheme, Odisha . . . Member
  - (v) Additional Secretary or Joint Secretary or Deputy Secretary . . . Member-Convenor to L. & E.S.I. Department (in charge of respective establishment).
- (3) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its members other than the Chairman :
 

Provided that, the Member so absenting was duly invited to attend the meeting of the Committee and the majority of Members of the Committee attended the meeting.

#### **10. Procedure for Selection by the Committee :**

- (1) The Committee shall ordinarily meet once in a year preferably in the month of January to prepare a list of Officers, as are held by them, suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable officers and preparation of the list of Officers suitable for promotion shall follow the provisions of the following rules, namely :—

- (i) The Odisha Civil Services (Criteria for Promotion) Rules, 1992 ;
- (ii) The Odisha Civil Services (Zone of consideration for Promotion) Rules, 1988 ; and
- (iii) The Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

#### **11. Consultation with the Commission :**

- (1) The recommendations of the Committee in respect of any grade in the service shall be referred to the Commission for consideration along with a list of all eligible candidates, including those who have not been recommended together with the service particulars.
- (2) The Commission shall consider the list along with the service particulars received under sub-rule (1) and shall furnish its recommendation to the Government.

### **PART - V**

#### **OTHER CONDITIONS OF SERVICE**

#### **12. Select List :**

- (1) The merit list prepared under sub-rule (5) of Rule 6 and the recommendations made under sub-rule (2) of Rule 11 shall be considered by the Government and the list approved by Government shall form the select list for appointment or promotion as the case may be to respective grades of the service.
- (2) The list referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by the Government, or until another select list is prepared whichever is earlier.
- (3) Appointment to any grade in the service shall be in the order in which their names appear in the final select list.

**13. *Inter Se Seniority***—The *inter se* seniority of the Officers appointed to any grade in the service in a particular year shall be in the order in which their names appear in the select list.

**14. Other Conditions of Service**—The conditions of service in regard to matters not covered by these rules shall be the same as are or as may, from time to time, be prescribed by the Government.

**15. Relaxation**—When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of employees in consultation with the Commission.



**16. Interpretation**—If any question arises relating to the interpretation of any of the provision of these Rules, it shall be referred to Government in Labour & E.S.I. Department whose decision thereon, shall be final.

**17. Power to Issue Instruction**—The Government in Labour & E.S.I. Department may issue instructions, not inconsistent with the provisions of this Rules, as they consider necessary to regulate matter not specially covered by the provisions of this Schedule.

By order of the Governor

RAJ KUMAR SHARMA

Principal Secretary to Government